



# City Council Agenda

Council President  
**Tom Boyajian**

Councilmembers

**Brian Calhoun**  
**Brad Castillo**, Acting President  
**Mike Dages**

**Jerry Duncan**  
**Henry T. Perea**  
**Cynthia Sterling**

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**TUESDAY, SEPTEMBER 23, 2003**

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)) The Council meeting can also be heard live at the same web site address.

**8:30 A.M. - 11:30 A.M. JOINT MEETING with Madera County Board of Supervisors - New Exhibit Hall**

ROLL CALL

Invocation by Pastor Larry Patton of the Wesley Methodist Church

Pledge of Allegiance to the Flag

## OPENING COMMENTS FROM MADERA COUNTY BOARD OF SUPERVISORS AND FRESNO CITY COUNCILMEMBERS

1. Presentation of Madera County General Plan and its impact on the City of Fresno - Dave Herb, Madera County Planning Director
2. City of Fresno Response to Madera County General Plan - Nick Yovino, City of Fresno Planning and Development Director
3. Comments and Discussion by Supervisors and Councilmembers
4. Presentation of City of Fresno General Plan and its impact on Madera County - Nick Yovino, City of Fresno Planning & Development Director
5. Madera County Response to City of Fresno General Plan - Dave Herb, Madera County Planning Director
6. Comments and Discussion by Supervisors and Councilmembers
7. Public Comment
8. Conclusion/Understanding

11:30 A.M. Adjournment

1:30 P.M. - Regular City Council Meeting

### ROLL CALL

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person. Public testimony will not be taken on unscheduled/non-action items.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of September 16, 2003

**Action Taken:**

Councilmember Reports and Comments

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. Appointment of Councilmembers Calhoun and Dages to ad hoc committee to develop a policy regarding appointment process for Boards and Commissions - Council President Boyajian  
Action Taken:
- B. RESOLUTION - Approving the summary vacation of portions of Marks Avenue, Jeanne Avenue and Shaw Avenue, a slope easement on the west side of Marks Avenue north of Shaw Avenue and a portion of the relinquishment of access rights along the north side of Shaw Avenue east of Marks Avenue - Public Works Dept.  
Action Taken:
- C. RESOLUTION - Dedicating certain City-owned property for public street purposes, property located on the north side of W. Shaw Avenue between N. Marks Avenue and the Burlington Northern and Santa Fe Railroad - Public Works Dept.  
Action Taken:
- D. ITEM REMOVED FROM THE AGENDA
- E. Approve substitution of subcontractor for the trunk-line cleaning project, Phase 3-Project ID RC00031 - Public Works Dept.  
Action Taken:
- F. Approve acquisition of a street easement at the northwest corner of Herndon and West Avenues - Public Works Dept.  
Action Taken:
- G. \* RESOLUTION - 22<sup>nd</sup> amendment to the AAR No. 2003-209 appropriating \$718,600 of unexpended FY 2003 appropriations for project design, development and bidding costs for the new parking structure at the Convention Center (*Requires 5 affirmative votes*) - Public Works Dept.  
Action Taken:
- H. Authorize the City Manager to sign the Memorandum of Understanding (MOU) with the Council of Fresno County Governments to provide in-kind services for a freeway interchange deficiency study grant - Public Works Dept.  
Action Taken:

1.

<b>GENERAL CONSENT CALENDAR CONTINUED</b>
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- I. \* RESOLUTION - 26<sup>th</sup> amendment to AAR Resolution No. 2003-209 appropriating \$270,000 for the Environmental Assessment and design of the "O" Street improvement project from State Route 41 to Ventura Street (*Requires 5 affirmative votes*) - Public Works Dept.  
Action Taken:
- J. Approve acquisition of easement on Polk Avenue, south of McKinley Avenue - Public Works Dept.  
Action Taken:
1. \* RESOLUTION - 31<sup>st</sup> amendment to AAR No. 2003-209 appropriating \$65,600 for acquisition of easement on Polk Avenue, south of McKinley Avenue (*Requires 5 affirmative votes*)  
Action Taken:
- K. Award a contract to Agee Construction of Clovis for Herndon canal bridge replacement at Palm Avenue - General Services Dept./Public Works Dept.  
Action Taken:
- L. \* RESOLUTION - 32<sup>nd</sup> amendment to AAR No. 2003-209 appropriating \$150,000 for the Police Department's Safety Education Awareness Training (S.E.A.T.) Program (*Requires 5 affirmative votes*) - Police Dept.  
Action Taken:
- M. Approve the proposed spending plan for the FY 2003-2004 State of California Supplemental Law Enforcement Service Fund (SLESF) - Police Dept.  
Action Taken:
- N. Approve Amendment No. 1 to the professional services agreement with URS Corporation for the Environmental Analysis/Environmental Impact Report of the Fresno Yosemite International Airport funded by the Federal Aviation Administration (FAA) Entitlement Grant Airport Improvement Project (AIP) 43 - Airports Dept.  
Action Taken:
- O. Adoption of Addendum No. 7 to the Fresno-Clovis Regional Sewerage System Joint Powers Agreement dated March 1977, amending Article VII - Dept. of Public Utilities  
Action Taken:
- P. Approve an Interagency Cost Reimbursement Agreement with Fresno Irrigation District to design source water protection improvements and conduct capacity enhancement operations for the Enterprise Canal  
Action Taken:
1. Authorize staff to negotiate and enter into an Interagency Cost Reimbursement Agreement with Fresno Irrigation District for construction of those improvements  
Action Taken:

1.

<b>GENERAL CONSENT CALENDAR CONTINUED</b>
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- Q. RESOLUTION - Conditionally approving Elaine Long as a cardroom pointholder in Club One, Inc., pursuant to Fresno Municipal Code Section 7-515 - City Manager's Office  
Action Taken:
- R. Authorize the Director of Transportation to accept the Department of Transportation (DOT) Small Community Air Service Grant - Airports Dept.  
Action Taken:

#### **ADOPT CONTESTED CONSENT ITEMS**

#### **TIME SCHEDULED HEARINGS AND MATTERS**

- 2:15 P.M. HEARING to consider Community Facilities District No. 2, Annexation No. 55, Tract No. 5102  
Action Taken:
- a. RESOLUTION - Annexing territory to Community Facilities District No. 2, and authorizing the levy of a special tax  
Action Taken:
  - b. RESOLUTION - Calling special mailed-ballot election  
Action Taken:
  - c. RESOLUTION - Declaring election results  
Action Taken:
  - d. \* BILL - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 55, Tract No. 5102  
Action Taken:
- 2:20 P.M. HEARING to consider Community Facilities District No. 2, Annexation No. 56, Tract No. 5190  
Action Taken:
- a. RESOLUTION - Annexing territory to Community Facilities District No. 2, and authorizing the levy of a special tax  
Action Taken:
  - b. RESOLUTION - Calling special mailed-ballot election  
Action Taken:
  - c. RESOLUTION - Declaring election results  
Action Taken:
  - d. \* BILL - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 56, Tract No. 5190  
Action Taken:

#### **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**2:30 P.M.** CONTINUED HEARING to consider Rezone Application No. R-03-027 and environmental findings, filed by Yosemite Point Partnership, for 8.98 acres of property located on the east side of N. Blythe Avenue, 725 feet south of W. Ashlan Avenue - *(Property located in District 1)* -Planning and Development Dept. *(May be continued)*

**Action Taken:**

- a. Consider and adopt Environmental Assessment No. R-03-027/C-03-078, finding of conformance with 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

**Action Taken:**

- b. BILL - Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (Exclusive Five Acre Agricultural/Urban Growth Management) zone district to the R-2/UGM (Low Density Multiple-Family Residential/Urban Growth Management), without zoning conditions, zone district

**Action Taken:**

**2:45 P.M.** RESOLUTION - Creating the boundaries of residential permit parking Districts 6 (Located in Council District 4) - Public Works Dept.

**Action Taken:**

- a. RESOLUTION - Creating the boundaries of residential permit parking Districts 7 (Located in Council District 4) - Public Works Dept.

**Action Taken:**

**3:15 P.M.** Report on establishing the feasibility of a not-for profit 501(c)(3) providing a vehicle for financing and refinancing of City of Fresno properties via sale and leaseback options - Finance Dept.

- a. \* RESOLUTION - 33rd amendment to AAR No. 2003-209 appropriating \$95,000 for appraisals *(Requires 5 affirmative votes)*

**Action Taken:**

- b. Authorize the City Manager to obtain proposals and execute an agreement for appraisal services for this transaction in an amount not to exceed \$95,000

**Action Taken:**

**4:00 P.M.** **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of September 16, 2003

**Action Taken:**

- A. Consider recommending that the Redevelopment Agency approve two (2) purchase agreements for acquiring property in Southeast Fresno Revitalization Project Area (3834 and 3856 E. Dwight Way) *(Agency action)*

**Action Taken:**

- B. Approve request for conflict of interest waiver from the law firm of Orrick, Herrington, and Sutcliffe regarding Roeding Infrastructure Financing *(Council and Agency action)*

**Action Taken:**

**TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

4:00 P.M.

**JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED**

- C. Consider the authorization of the addition of Project Coordinator position to the Redevelopment Agency of the City of Fresno (*Agency action*)  
Action Taken:

**ADJOURN AGENCY**

4:15 PM#1

**CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Government Code Section 54956.9, subdivision (b)  
1. Case Name: Claim of Archie Crippen  
Action Taken:
- B. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6  
City Negotiator(s): Severo Esquivel, Adela Gonzalez and Jorge C. Aguiniga  
Employee Organization(s):  
1. Fresno City Employees' Association (FCEA) (*Recommend continuing to 9/30/2003*)  
Action Taken:

4:15 PM#2

**CLOSED SESSION ANNOUNCEMENTS**

5:15 P.M.

CONTINUED HEARING to consider Rezone Application No. R-02-038 and environmental findings, filed by Dirk Poeschel on behalf of John Ashley, for 26.2± acres of property located north of W. Barstow Avenue east of N. Brawley Avenue and south of the Burlington Northern/Santa Fe rail line (*Property located in District 2*) - Planning and Development  
Action Taken:

- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. R-02-038  
Action Taken:
- b. BILL - Amending the Official Zone Map to rezone the subject property from the R-A (Single-Family Residential-Agricultural) zone district to the R-2 (Low Density Multiple-Family Residential) zone district  
Action Taken:

2.

**GENERAL ADMINISTRATION**

- A. **RESOLUTION - Creating a public safety commission to conduct an assessment of the public safety needs of the City and provide recommendations to the Mayor and Council for the desired levels of public safety for our community to include a public safety funding plan for the future - City Manager's Office**

**Action Taken:**

- B. \* **BILL NO. B-84 - (Intro. 9/16/2003) (For adoption) - Adding Article 22 to Chapter 2 to the Fresno Municipal Code relating to campaign contribution limits for candidates for elective City office - City Attorney's Office**

**Action Taken:**

3. **CITY COUNCIL**

- A. **Consider approval for a Council override vote of the negotiated agreement between the City of Fresno and Global Spectrum Corporation for the operation and marketing of the Fresno Convention Center Facilities vetoed by Mayor Autry on September 18, 2003 (*Council action to override Mayoral veto requires 5 affirmative votes*) - Council President Boyajian**

**Action Taken:**

1. **Presentation by Global Spectrum regarding contract negotiations and legal issues - Acting President Castillo**

4. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda. Presentation limited to three (3) minutes.**

- A. **Scheduled Public Comment -**

1. **Appearance by Barbara Hunt to discuss a Master Settlement Agreement and Sphere of Influence**

- B. **UNSCHEDULED COMMUNICATION - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.**



<b>SCHEDULED COUNCIL HEARINGS AND MATTERS</b>
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Sept.	30 -	10:00 A.M.	CONTINUED HEARING to consider Rezone Application No. R-03-032, filed by Paul Toste
Sept.	30 -	10:15 A.M.	HEARING to consider appeal of Director's denial of request for Herndon Avenue address without Herndon Avenue access
Sept.	30 -	10:30 A.M.	Discussion and direction for proposed UGM Program - Public Works Dept.
Sept.	30 -	2:30 P.M.#1	Consider approval of Stand-Alone Tax Sharing Agreement for Veteran home property and adjacent properties
Sept.	30 -	2:30 P.M.#2	Consider initiation of resolution of application for the California-Marks No. 2 Reorganization (Veterans Home) and submit to LAFCO
Sept.	30 -	2:45 P.M.	WORKSHOP relating to issuing Request for Proposals (RFP) on para transit contract - Councilmember Perea
Oct.	7-	10:00 A.M.	TEFRA HEARING re: refinancing Trinity health/CSCDA (Saint Agnes Medical Center)
Oct.	14-	10:00 A.M.	HEARING re: R-03-046, filed by Linda Mak, property located at 6685 N. Fresno
Oct.	21-	10:00 A.M.	Council study session on cable franchise renewal
Oct.	21-	10:30 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 57, Tract Nos. 4831 and 5107 and 5134
Oct.	21-	10:45 A.M.	HEARING re: Rezone Appl. No. R-03-41, filed by the City of Fresno
Oct.	28 -	9:00 A.M.	Presentation of P.R.I.D.E. Team certificates for the Fall Quarter - Reception immediately following (2 <sup>nd</sup> Floor Foyer)
Nov.	4-	10:00 A.M.	Presentation of Employee Services Awards - Reception immediately following (2 <sup>nd</sup> Floor Foyer)
Nov.	11 -		NO MEETING VETERAN'S DAY
Nov.	18 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 58, Tract No. 5101